

**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION NO.24713 OF 1996**

**DATED: 12-12-2006**

Between:

B. Mercy Manjula Vani

.. Petitioner

and

The Correspondent, E.C.M. High School  
for Girls, Kurnool, Kurnool District and  
others.

.. Respondents

**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**W.P.NO.24713 OF 1996**

**Order:**

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This writ petition is filed seeking a mandamus declaring the action of the respondents in not approving the appointment of the petitioner as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India; and consequently to direct the respondents to approve the appointment of the petitioner made in proceedings of the 1<sup>st</sup> respondent dated 12-01-1989 and further direct them to put the petitioner on pay scales.

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It appears, under the proceedings dated 12-01-1989, the petitioner was appointed as Physical Education Teacher in E.C.M. Girls High School, Kurnool in the existing aided vacancy in place of Mrs. K. Kala Prapoorna who has been promoted as B.Ed. Assistant. However, her services were not regularized and not approved. Therefore, the present writ petition is filed.

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It is the case of the petitioner that she was appointed in regular vacancy, which was admitted to grant-in-aid. Therefore, she is entitled for being appointed on regular basis as a Physical Education Teacher and the action of the respondents in not approving her appointment is arbitrary and illegal.

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A detailed counter-affidavit has been filed by the District Educational Officer, Kurnool denying the allegations made by the

petitioner. It is asserted in the counter-affidavit that there is only one post of Physical Education Teacher (Aided) available in the first respondent school. Against that post, one Smt Kala Prapoorna was working as a Physical Education Teacher. However, she was irregularly promoted as School Assistant by the management vide proceedings dated 08-01-1989. The proposal submitted by the management was rejected vide proceedings bearing Rc.No.40/B2/89 dated 11-10-1989 and the management was further directed to follow the Rules made in G.O.Ms.No.167 dated 09-03-1994 to fill-up the post of School Assistant. Further, the action of the management was questioned by a senior most Secondary Grade Teacher Smt M. Deva Krupanandamma by filing a writ petition in W.P.No.15340 of 1989 before this Court. The said writ petition, along with other writ petitions, was disposed of by a common order dated 18-11-1991. Subsequently, Smt M.Deva Krupanandamma had been promoted as B.Ed Assistant by the management. In the result, Smt Kala Prapoorna was to be reverted. However, the management did not revert Smt Kala Prapoorna to the original post of Physical Education Teacher and, on the other hand, posted her as Junior Lecturer in the Coles Memorial Junior College, Kurnool and the management appointed the petitioner on ad-hoc basis in the vacancy caused due to the irregular promotion of Smt Kala Prapoorna. Therefore, the contention of the petitioner that the District Educational Officer, in his proceedings dated 11-10-1989, granted permission to the first respondent to fill-up the post of Physical Education Teacher is neither true nor correct. As per the said proceedings, the irregular promotion given to Smt Kala Prapoorna was rejected and the management was directed to follow the rules strictly. Further, no proposals were submitted by the first respondent management regarding the appointment of the petitioner or for approval to the said vacancy. Therefore, the question of approving the

appointment of the petitioner as Physical Education Teacher does not arise.

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From the above facts it appears that the petitioner was appointed in a post which was caused due to irregular promotion of one Smt Kala Prapoorna who was further promoted to the post of Junior Lecturer thereafter. It is the management which has committed some mistake in appointing the petitioner. Further, the management has not sent any proposals for approval of her appointment. In fact, no interviews were conducted and no regular selection was made for appointing the petitioner as a Physical Education Teacher. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

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The writ petition is accordingly dismissed. No order as to costs.

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**C.V. RAMULU, J**

12-12-2006.  
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